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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,053	06/08/1999	JAMES F. FLACK	FATHP009A	6268

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EXAMINER	
CHANG, KENT WU	
ART UNIT	**PAPER NUMBER**
2629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/328,053	FLACK ET AL.	
	Examiner	Art Unit	
	Kent Chang	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-99* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-99* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

As indicated in the Interview Summary dated 10/18/06, the finality of the previous office action is withdrawn in favor of the current office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 6-16, 19-32, 34-45, 47-50, 52-55, 58-68, 71-83, 86-96, 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motosyuku et al (US 5,602,566) in view of Ball (US 5,686,942).

Motosyuku et al discloses a hand-held computer having a digital processor, a motion sensor (104) for tracking movements of the display, mapping visual information generated by the computer into a virtual desktop suitable for display via the display device, displaying a certain portion of the virtual desktop via the display device, and adjusting the displayed information according to the movements of the display. Although Motosyuku does not clearly point out that the computer maps the entire information content to the virtual desktop, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Motosyuku to map the entire information content to the virtual desktop so as to enable the user to access the entire information content via the input system, Motosyuku controls the display by the rotational movement instead of a translational movement.

However, Ball teaches a system to generate input data to a computer comprising a camera housing in the display device, and generate input data to

control a display based on the translational movement of the display relative to a reference target (note that the translational movement of the display relative to the reference target is equivalent to the translational movement of the reference target relative to the display). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a camera housing in the display device, and generate input data to control a display based on the translational movement of the display relative to a reference target as taught by Ball in the device of Motosyuku so as to provide simple and intuitive method to enter control data to the computer.

Furthermore, the device of Motosyuku as modified by ball could have been used to run any type of application including the display and navigation of a physical map, a real scene in real space and time, panning and zooming functions since Ball suggests to use the device to run different applications and uses the input data to move images or position objects (column 1 lines 12-22). The examiner takes Official Notice that it has been well known in the art to use coordinate input data of the input device (mouse, joystick, trackball, etc.) to control the scrolling, zooming, and navigation in a display.

Motosyuku does not show a second computer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the coordinate input data to control any computer since it merely depends on the hardware configuration of the system.

5. Claims 4, 5, 33, 56, 57, 84, 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motosyuku et al (U.S. Patent No. 5,602,566) in view of Ball (US 5,686,942) as applied to claims 1, 33 above, and further in view of Kang (US 6,009,210).

Motosyuku as modified does not expressly teach to control movement of the displayed image without moving the display device, i.e., moving the image based on lingering deviation from the reference target.

However, in the same field of endeavor, Kang teach moving the image based on lingering deviation from the reference target so as to provide a device with simple and easy operation (column 8 lines 26-49). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Motosyuku to enable moving the image based on lingering deviation from the reference target as taught by Kang so as to provide a device with simple and easy operation as suggested by Kang.

6. Claims 17, 18, 46, 51, 69, 70, 97, and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motosyuku et al (U.S. Patent No. 5,602,566) in view of Ball (US 5,686,942) as applied to claims 1, 16, 45, 68, 96 above, and further in view of Detlef (U.S. Patent No. 6,178,403).

Motosyuku as modified does not show handwriting recognition capability and voice recognition capability.

However, Detlef teaches a PDA having handwriting recognition capability and voice recognition capability for user entering data to the computer (column 1

lines 24-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include handwriting recognition capability and voice recognition capability as taught by Detlef in the device of Motosyuku so as to enable the user to enter data to the computer without a keyboard as suggested by Detlef.

Response to Arguments

7. Applicant's arguments with respect to claims 1-99 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Chang whose telephone number is 571-272-7667. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz, can be reached at 571-272-3638.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300

Hand-delivered responses should be brought to the Customer Service Window, now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kent Chang
Primary Examiner
Art Unit 2629

kc
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